

REMARKS

Claim 28 was the only claim pending.

Claims 29-41 are new .

Claims 28-41 are now pending.

An amendment (new claims 29-41) and attachments were submitted to the USPTO on December 15, 2008 before a Notice of Allowance was issued on the above applicaiton. In examiners Notice of Allowance mailed on October 20, 2009, examiner explained she would not enter the amendments of December 15, 2008 because prosecution was closed and the proposed amendment was not suggested in an explicit statement by the Board under 37 CFR 41.50 (c).

After the Notice of Allowance was mailed, applicant requested a 1.312 amendment on December 9, 2009. The submitted amendment was refused by the examiner as the proposed amendment would raise new issues and would require a further search.

Thus applicants are now submitting a Request for Continued Examination and requesting that examiner consider and enter the new claims as submitted on December 15, 2008 along with the supporting documentation (Declaration under 37 CFR 1.132, signed Nov. 4, 2008, copy of Declaration under 37 CFR 1.132, signed on April 6, 1998 and Amendment presenting added claim 28 during Interference No. 105,262) and remarks.

Dedication of US 6,380,286 to the Public

Applicant wish to dedicate granted U.S. patent no. 6,380,286 to the public. Thus applicant attaches a disclaimer under 1.321(a) signed by an agent of record, JoAnn Villamizar. See parent 08/858,191 for listing of agents of record.

On the basis of the foregoing Amendments, supporting documentation and remarks submitted on December 15, 2008, Applicant respectfully submits that the newly submitted claims are allowable and that this application is in condition for allowance.

Respectfully submitted,



Shiela A. Loggins
Agent for Applicants
Reg. No. 56,221

Ciba Corporation
540 White Plains Road
Tarrytown, New York 10591
(914) 785-2768
SAL\20303RCE.doc

Enclosure: Disclaimer under 1.321(a) for US6380286.